

Notice of Allowability

Application No.

10/714,355

Examiner

Lorna M. Douyon

Applicant(s)

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated December 20, 2005.
2. ☒ The allowed claim(s) is/are 26-35 and 41-46 renumbered 1-16 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark T. Skoog on January 20, 2006.

2. The application has been amended as follows:

In the specification:

2.1. On page 1, lines 10-12 have been deleted.

2.2. On page 1, before the first line, the amendment dated November 14 2003 has been replaced with the following:

--This application is a continuation of application Serial No. 10/178,316, filed June 24, 2002, now US Patent No. 6,660,707, which is a continuation of application Serial No. 09/692,122, filed October 19, 2000, now US Patent No. 6,410,495, which is a continuation of application Serial No. 09/089,095, filed June 2, 1998, now US Patent No. 6,156,715, which is a continuation-in-part of application Serial No. 08/781,493, filed January 13, 1997, now US Patent No. 6,177,392, which applications are incorporated herein by reference.--

2.3. On page 17, line 4, "Figure 11" has been replaced with --Figure 1--.

In the claims:

2.1. In claim 32, line 2, "sequestrant" has been deleted.

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2.2. In claim 41:

- a) line 5, "aminocarboxylate" has been replaced with --aminocarboxylic acid-- (support is found on page 10, lines 21 and 28);
- b) line 8, the phrase -- , an organic phosphonate-- has been added after "carbonate"; (support is found on page 3, last line);
- c) line 8, "aminocarboxylate" has been replaced with --aminocarboxylic acid--.

2.3. In claim 42, line 1, "6" has been replaced with --5-- (support is found on page 10, line 27).

STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The cancellation of claims 19-25 and 36-40 renders moot the rejection under 35 USC 112, first paragraph, and the rejections based separately upon Backes, Hartman or Gordon. The Examiner would also like to make corrections to item 15, page 6 of the final rejection, and it should correctly state that claims 26-35 and 41-46 appear to be allowable in view of Applicants' arguments, as indicated in item 5 of the PTOL-326. The terminal disclaimer filed on January 12, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent Nos: 6,583,094; 6,653,266 and 6,831,054 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

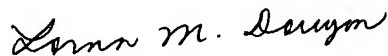
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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